

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, JANUARY 19, 1983

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, January 19, 1983 in the City Hall Council Chambers.

ROLL CALL Present: Council Members - Olson, Pinkerton, Snider, and Reid (Mayor)

Absent: Council Members - Murphy

Also Present: City Manager Glaves, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche

INVOCATION The invocation was given by Pastor Darrel Thomas, First United Methodist Church

PLEDGE The Pledge of Allegiance was led by Mayor Reid

PRESENTATIONS Mr. Ken Boyd, Chairman of the Old Lodi High School Site Foundation presented to the Council a check in the amount of \$20,000 toward the repayment of the site acquisition. A brief report regarding the site was made by Mr. Boyd. The Council expressed its sincere appreciation to the Foundation for its efforts, and on motion of Mayor Reid, Olson second, appropriated a matching \$20,000 to be used for design work at the site.

CONSENT
CALENDAR

REPORTS OF THE
CITY MANAGER

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pinkerton, Snider second, approved the following actions hereinafter set forth:

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$660,254.12

MINUTES THE MINUTES OF JANUARY 5, 1983 WERE APPROVED AS WRITTEN

SUBDIVISION MAP FOR FAIRMONT PROFESSIONAL CENTER APPROVED COUNCIL APPROVED THE FINAL SUBDIVISION MAP FOR FAIRMONT PROFESSIONAL CENTER, TRACT NO. 1813, AND DIRECTED THE CITY CLERK TO EXECUTE THE SUBDIVISION MAP ON BEHALF OF THE CITY.

Council was apprised that this subdivision is being developed by Alonzo D. Proctor and is a three-lot condominium subdivision located on the west side of the 500 block of South Fairmont Avenue. The offsite improvements are being installed under an encroachment permit and no subdivision agreement is required. The map is being filed to meet the requirements of condominium projects.

AGENDA ITEM REMOVED TO REGULAR CALENDAR WITH THE TACIT CONCURRENCE OF THE COUNCIL, AGENDA ITEM e-1-D WAS REMOVED TO THE REGULAR CALENDAR (RESOLUTION PROTESTING EXECUTION OF CALIFORNIA LAND CONSERVATION CONTRACTS).

ACCEPTANCE OF "MAIN STREET STORM DRAIN, ELM STREET TO LOCKEFORD STREET" COUNCIL ACCEPTED THE IMPROVEMENTS IN "MAIN STREET STORM DRAIN, ELM STREET TO LOCKEFORD STREET" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

The Contract was awarded to Wayne Fregien of Stockton on October 6, 1982 in the amount of \$41,560.00 and has been

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completed in substantial conformance with the plans and specifications approved by the City Council. The final contract price was \$42,925.00.

PUBLIC HEARINGS

Notice thereof having been published in accordance with law and an affidavit of publication being on file in the office of the City Clerk, Mayor Reid called for the Public Hearing to consider the Woodbridge Circulation Plan (Amendment to the Circulation Element of the General Plan).

WOODBRIDGE
CIRCULATION
PLAN (AMENDMENT
TO THE
CIRCULATION
ELEMENT OF THE
GENERAL PLAN)

The matter was introduced by San Joaquin County Planner, Jim Van Buren, who gave an indepth presentation including diagrams of the subject area. Also addressing the Council on the matter and responding to questions was Community Development Director James Schroeder.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

Following Council discussion, on motion of Council Member Pinkerton, Olson second, Council continued the non-public portion of this hearing requesting additional information. (Continued to regular meeting of February 2, 1983)

PLANNING
COMMISSION
REPORT

City Manager Graves presented the following report of the Planning Commission meeting of January 10, 1983. The Planning Commission:

ITEMS OF
INTEREST

1. Approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of Diamond International, Inc., for a Tentative Parcel Map to join Lots 7 and 8, Block 20, City of Lodi (i.e. APN 043-084-02 and 043-084-03) in an area zoned M-2, Heavy Industrial.
2. Approved the request of Quik-Stop Markets, Inc., by Ron O'Mara for a Use Permit to install a gasoline pump island at 1930 Holly Drive in an area zoned C-1, Neighborhood Commercial.
3. Extended for a period of one year the Use Permit which allows dancing in conjunction with the cocktail lounge at the Camelot Restaurant at 101 Lakewood Mall in an area zoned C-S, Commercial Shopping.
4. Recommended that the San Joaquin County Board of Zoning Adjustment approve the request of Carol Burton on behalf of Goehring Meat, Inc., for a Use Permit to place a temporary mobile office on property located at the northeast corner of Clarksdale Road and East State Route 99, Frontage Road, north of Lodi in an area zoned M-2/L.
5. Took no action on the referral by the San Joaquin County Planning Commission of the request of E. F. Christy to rezone property located at the northeast corner of Augusta Street and Orange Street, Town of Woodbridge from C-1, Neighborhood Commercial to C-2, Community Commercial.

COMMUNICATIONS
(CITY CLERK)

City Clerk Reimche presented the following applications for Alcoholic Beverage License(s) which had been received:

ABC LICENSES

- a) Richmaid
DeBernard, Ermanno/Linda
100 S. Cherokee Lane
Lodi, CA 95240
On Sale General Eating Place and duplicate on sale general eating place.

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- b) The Butcher Shoppe
Fiori, Barbara J. and Joseph V.
412 West Lodi Avenue
Lodi, CA 95240
Off Sale Beer and Wine

CITY OF WHITTIER
NOTICE OF
PENDENCY OF
CLASS ACTION

City Clerk Reimche presented a Notice of Pendency of Class Action, City of Whittier vs. State Compensation Insurance Fund and cross complaint State Compensation Insurance Fund vs. City of Whittier, et al re Workers' compensation liability.

RESPONSE
RECEIVED FROM
SENATOR ALAN
CRANSTON RE
DAVIS-BACON
ACT

City Clerk Reimche presented a letter which had been received from Senator Alan Cranston thanking the City Council for its Resolution urging the repeal of the Davis-Bacon Act.

THANK YOU
RECEIVED FROM
MAJOR GENERAL
BILL SHANK

A letter was presented from Major-General Bill Shank expressing his appreciation of the Council expression of congratulations on being named to head the California National Guard.

STATE OF
CALIFORNIA
WATER WELL
STANDARDS
INFORMATION
RECEIVED

City Clerk Reimche presented a letter which had been received from the Department of Water Resources re Water Well Standards - State of California.

PROPOSALS FOR
RETAINING FIRM
TO CONDUCT
ANNUAL AUDIT
REFERRED TO
STAFF

Council referred to Staff, letter from Ernst and Whinney regarding their proposal on the scope of their services and fee estimate to examine the financial statements of the City of Lodi for the year ending June 30, 1983 and letter received from Calderon, Jaham and Osborn indicating their interest in submitting a proposal to provide such services.

CLAIMS

On motion of Council Member Pinkerton, Snider second, Council denied the following Claims and referred them to R. L. Kautz and Company:

- a) Bryan E. Clasen DOL 12/13/82
b) Mary Ellen Hayes - rejected as premature DOL 9/4/82

NORBERT HYSKE
RESIGNS FROM
THE CITY OF
LODI
ECONOMIC
DEVELOPMENT
COMMISSION

City Clerk Reimche presented a letter from Norbert Hyske resigning immediately from the City of Lodi Economic Development Commission. On motion of Council Member Snider, Reid second, Council directed the City Clerk to make the necessary postings as required by law to fill this vacancy.

Council expressed its sincere appreciation to Mr. Hyske for his time and effort in serving on this important commission.

COMMENTS BY
CITY COUNCIL
MEMBERS

TERRY PIAZZA
REAPPOINTED
TO THE CITY
OF LODI
ECONOMIC
DEVELOPMENT
COMMISSION

Council, on motion of Councilman Pinkerton, Olson second, concurred with Mayor Reid's reappointment of Terry Piazza to the Economic Development Commission for a four-year term expiring February 19, 1987.

COMMENTS BY
THE PUBLIC
ON NON AGENDA
ITEMS

There were no persons in the audience wishing to speak under this segment of the Agenda.

REGULAR CALENDAR

CONSIDERATION
OF REQUEST FOR
PASSAGE OF
ORDINANCE AND
RESOLUTION RE
CABLE TV
PROGRAMMING

Agenda Item K-1 - Consideration of request for passage of Ordinance and Resolution re Cable TV Programming.

This agenda item was introduced by City Manager Graves. City Attorney Stein then addressed the Council advising that it would be his recommendation that the Council refer the matter to the Attorney General for an opinion as to the legality of the proposed Ordinance.

The following persons spoke on behalf of the request for passage of the proposed ordinance and resolution re Cable TV Programming:

- 1) Brenton Bleier, Attorney-at-law, 1764 LeBec Court, Lodi
- 2) LaDon Bader, 1808 Reisling Drive, Lodi
- 3) Dr. Wayne Kildall, Center of Hope, 307 W. Lockeford St., Lodi
- 4) Mr. Hoffman, 805 Pinot Noir Drive, Lodi
- 5) John Von Kuhlmann, 729 Howard St., Lodi
- 6) Jim Baum, 1420 Edgewood Drive, Lodi
- 7) Kevin Finn, 6244 Greenback Lane, Citrus Heights, California
- 8) Clint Hollworth, Lodi
- 9) Nancy Bleier, 1764 LeBec Court, Lodi
- 10) Marshall Hunt, 724 S. Church St., Lodi
- 11) Patsy Jackson, 1615 Scarborough, Lodi
- 12) Connie Simfenderfer, 1238 S. Sunset Drive, Lodi
- 13) Ross Schmiedt, 1231 S. Church Street, Lodi
- 14) Clarence Hartley, 838 S. Mills Avenue, Lodi

The following persons spoke in opposition of the request for passage of a proposed Ordinance and Resolution re Cable TV Programming:

- 1) Deanna Enright, Manager, Lodi Cable TV, 1521 South Stockton Street, Lodi
- 2) Don Garrison, 1825 S. Church Street, Lodi
- 3) Leonard Lachendro, 531 Virginia Avenue, Lodi
- 4) Cathy Nightengale, 588 N. Loma Drive, Lodi
- 5) Phil Polenske, 1443 Holly Drive, Lodi
- 6) Nancy Miller, 791 E. Armstrong Rd., Lodi
- 7) Victor Goehring, Attorney-at-law, 125 N. Pleasant Avenue, Lodi
- 8) Nancy Dembek, 218 Rainier Drive, Lodi

There being no other persons wishing to speak on the subject the public portion of the hearing was closed.

A lengthy discussion followed.

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On motion of Mayor Reid, Olson second, Council by the following vote directed City Attorney Stein to seek a State Attorney General's opinion as to the legality of the proposed Ordinance prohibiting the showing of sexually explicit cablecast programming to minors without parental presence or permission:

Ayes: Council Members - Olson, Pinkerton, and Reid

Noes: Council Members - Snider

Absent: Council Members - Murphy

CLUFF AVENUE
STORM DRAIN
INDUSTRIAL WAY
TO VICTOR ROAD

City Manager Glaves presented the following bids which had been received for the Contract for "Cluff Avenue Storm Drain - Industrial Way to Victor Road":

<u>BIDDER</u>	<u>SCHEDULE I, II</u> with alt. B Storm & St. Work	<u>SCHEDULE III</u> Sanitary Sewer
Claude C. Wood	\$ 937,774.00	\$ 17,560.00
R.N. Bertelsen	941,754.00	22,370.00
Wm. G. McCullough	953,895.56	17,990.40
Teichert Constr.	982,227.75	18,253.00
Oak Grove Constr.	1,022,971.00	27,390.00
Granite Constr.	1,057,306.25	20,960.00
Swengel-Robbins	1,082,101.22	25,410.00
H. M. Byars	1,166,912.00	28,450.00
W. R. Thomason	1,203,558.26	29,300.00
D. S. S.	1,210,418.50	22,880.00
Engineers Est.	837,793.00	23,830.00

Public Works Director Ronsko reported that EDA approval is being sought and "we" anticipate no problems. "We" wish to award the contract as soon as possible to meet construction deadlines and request approval subject to EDA concurrence.

It is also recommended that Schedule III, Cluff Avenue Sanitary Sewer, Lodi Avenue to Pine Street, be awarded to C. C. Wood, Co., the low bidder. This portion of the project is not grant-eligible and was budgeted in the 1983 Capital Improvement Program. A reimbursement agreement will be prepared in order to repay the City as adjacent owners develop their property.

The project was bid with additional schedules of work covering off-site improvements for the adjacent property owners. "We" are in the process of working with the owners to see if they wish to install their improvements under our contract; thus approval to execute agreements and award additional work is requested at this time to expedite contract administration.

Finally, additional funds are needed to complete the project. The total project cost is estimated as follows:

\$ 53,000	Engineering, Right-of-way, and administration to date
938,000	Construction contract
15,000	Construction engineering
21,000	Contingencies
<hr/>	
\$1,027,000	Total

The recommended funding is:

\$ 560,000	EDA Grant
240,000	Master Drain Fund (budgeted for this project)
70,000	Master Drain Fund (budgeted for C-Basin development; this project would be deferred)
60,000	Master Drain Fund (excess budgeted for Cluff S. D. North of Victor Rd.
35,000	Master Drain Fund (1982/83 revenue, already received)
62,000	Transportation Development Act Fund (from Miscellaneous Widening account, to pay for that portion of the street work which is not usually paid by the Master Drain Fund. The Master Drain Fund is charged for replacement of the existing street; under this project we are reinstalling a slightly wider and substantially heavier street.
<hr/> \$1,027,000	

AWARD - CONTRACT
FOR CLUFF AVENUE
STORM DRAIN -
INDUSTRIAL WAY
TO VICTOR ROAD

RES. NO. 83-5

Following discussion, on motion of Council Member Pinkerton, Olson second, Council adopted Resolution No. 83-5 awarding the bid for Cluff Avenue Storm Drain - Industrial Way to Victor Road, Schedules I and II, Alternate B, to Claude C. Wood Co., the low bidder, in the amount of \$937,774 and the Cluff Avenue Sanitary Sewer, Lodi Avenue to Pine Street, Schedule III, in the amount of \$17,560, all subject to EDA concurrence;

1. Council further authorized the City Manager and the City Clerk to execute agreements between the City and adjacent property owners for the construction of off-site improvements;
2. Authorized the award of additional schedules of work to C. C. Wood Co., as said agreements are executed; and
3. Appropriated \$62,000 of Transportation Development Act Funds from the Miscellaneous Widening account for street work included in this project and reallocate \$165,000 of Master Drain funds to complete the project.

EXPERIMENT TO
ELIMINATE SIGNALS
AT SCHOOL AND
OAK AND SCHOOL
AND WALNUT
APPROVED

Following a presentation on the subject by Public Works Director Ronsko, Council, on motion of Councilman Pinkerton, Reid second, approved a trial experiment to eliminate traffic signals at School and Oak Street and School and Walnut Street.

City Attorney Stein apprised the Council that under existing law, an unattended Vehicle may be removed from private property by the owner of the property. Prior to causing removal of the vehicle, a sign is required to have been posted on the property prohibiting public parking and containing the telephone number of the local enforcement agency.

AMENDMENT TO
CITY ORDINANCE TO
COMPLY WITH NEW
LEGISLATION RE
REMOVAL OF
UNATTENDED
VEHICLES FROM
PRIVATE PROPERTY

The Vehicle Code has been amended to require that in addition, the sign be of such size as required by Ordinance, be displayed at all entrances to the private property, and indicate that vehicle will be removed at the vehicle owner's expense. This new legislation also provides that when there has been a failure to post a sign on said private property, an owner who causes the removal of a vehicle would be liable for any storage or towing charges.

ORD. NO. 1281
INTRODUCED

Councilman Pinkerton then moved for introduction of Ordinance No. 1281 - "An Ordinance Amending Lodi City Code Chapter 15 - Miscellaneous Offenses Article II - Trespass and Loitering" thereby amending the City Code to comply with new legislation regarding the removal of unattended vehicles from private property. The motion was seconded by Councilman Snider and

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carried by unanimous vote of the Council Members present.

APPROVAL OF
CONTRACT WITH
ESIS FOR
ADMINISTRATION
OF THE CITY'S
WORKERS
COMPENSATION
PROGRAM
(1/1/83-7/1/83)

Following introduction of the matter by Staff, Council, on motion of Councilman Pinkerton, Snider second, approved the renewal of the Contract with ESIS for the administration of the City's Workers Compensation Program from 1/1/83 to 7/1/83 and authorized the Mayor and City Clerk to execute the Agreement on behalf of the City.

APPROVAL OF
AMENDED EXHIBIT
B OF WAPA
CONTRACT

Following introduction of the matter by City Manager Glaves, Council on motion of Mayor Reid, Olson second, adopted Resolution No. 83-6 approving amended Exhibit B of WAPA Contract No. DE-MS65-82WP59015, and authorized the Mayor and City Clerk to execute the Amended Exhibit on behalf of the City.

RES. NO. 83-6

RES. PROTESTING
EXECUTION OF
CALIFORNIA
LAND
CONSERVATION
CONTRACTS

Following a brief explanation of the subject by City Manager Glaves and Community Development Director Schroeder, Council on motion of Councilman Pinkerton, Olson second, adopted Resolution No. 83-4 protesting execution of California Land Conservation Contracts for William T. Beckman, Charles M. Beckman, and William T. Beckman, Trustee of the Alpha E. Beckman Trust on various parcels.

RES. NO. 83-4

INFORMAL
INFORMATIONAL
MEETING FOR
1/25/83
CANCELLED

With the tacit concurrence of the Council, it was determined that there would be no Informal Informational Meeting (Shirtsleeve Session) on Tuesday, January 25, 1983.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at approximately 10:30 p.m.

Attest:

Alice M. Reimche
Alice M. Reimche
City Clerk